

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0134-19

**DATE:** May 23, 2019

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIKI'YATI';  
ESTABLISHING A NEGOTIATING TEAM FOR P.L. 638 CONTRACTS

**PURPOSE:** This bill will establish a negotiating team for P.L. 638 contracts.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2019-05-28  
Website Posting Time/Date: 5-28-19 5:33pm  
Posting End Date: 6-2-19  
Eligible for Action: 6-3-19

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL - First Year, 2019

INTRODUCED BY

Kae Allen Begay Jr  
(Prime Sponsor)

TRACKING NO. 0134-19

AN ACTION

RELATING TO NAABIK'IYATI'; ESTABLISHING A NEGOTIATING TEAM  
FOR P.L. 638 CONTRACTS

BE IT ENACTED:

Section One. Findings

1. The Indian Self Determination and Education Assistance Act allows Indian tribes some control over management of federal programs that impact tribal government, its members and resources. P.L. 93-638. See also, [www.doi.gov](http://www.doi.gov).
2. Navajo Nation negotiates and receives several federal grants for numerous programs it manages pursuant to P.L. 93-638 contracts.
3. Prior to final acceptance of funds under P.L. 93-638 contracts, it is necessary that the Navajo Nation adequately negotiate terms on funding amounts.

Section Two. Establishing 638 Negotiating Team

The Naabik'iyáti' Committee of the Navajo Nation Council hereby establishes a negotiating team for all proposed or anticipated Navajo Nation P.L. 93-638 contracts.

1 The negotiating team shall consist of five (5) members, representing the Navajo Nation  
2 Office of the President/Vice President, the Office of the Speaker, the Office of the  
3 Controller, the Attorney General and the program seeking federal funds under contract.  
4 Upon recommendation of the entities named herein, the Naabik'íyáti' Committee shall  
5 confirmed the appointments.  
6

### 7 **Section Three. Duties and Responsibilities**

8 The duties and responsibilities of the Negotiating Team shall be as follows:

- 9 1. The entity shall only exist for the duration of the 24th Navajo Nation Council.
  - 10 2. The Negotiating Team shall meet periodically, upon duly-called meetings.
  - 11 3. The Negotiating Team shall not delay contract reviews and the approval process  
12 under Navajo law. The authority of the Negotiating Team shall be limited to providing  
13 recommendations and serving as an advisory role to Navajo Nation officials responsible  
14 for 638 contracting.
  - 15 4. Notwithstanding the establishment of the Negotiating Team herein, the Navajo  
16 Nation's procedural requirements of Title 2 for federal contracts shall remain the same.
  - 17 5. Except for necessary expenses and subject to available program funds, members  
18 attending meetings shall not be compensated.
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## MEMORANDUM

TO: Edmond Yazzie, Chairman  
Law and Order Committee

Law and Order Committee members

FROM: Kee Allen Begay Jr., Member  
Law and Order Committee

DATE: November 26, 2017

SUBJECT: **P.L. 93-638 CONTRACT RENEWAL FOR ADULT AND JUVENILE DETENTION**

There are several Legislations going before committee seeking for approval. Further these legislations are seeking authorization for a "Contract" between the Navajo Nation and the United States Department of Interior, BIA, for a period of 5 years.

Recently, Honorable Jonathan Perry sponsored two legislations; # 0455-17 (Adult) and # 0456-17 (Juvenile) Detentions service.

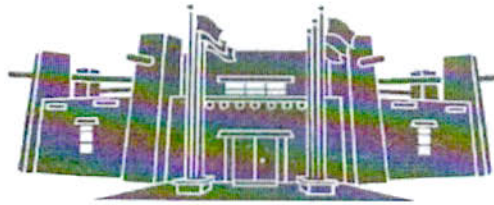
I voted against these two legislations for the following reasons;

1. Funding request amount is not sufficient to cover personnel and O&M for both detentions. Yet, a March 2017 DPS report indicate the need for Correction is \$307.9 million!
2. Both legislations are almost similar in language except Adult and Juvenile wording are inserted.
3. Navajo Nation President had already signed both agreements (Exhibit B).
4. 638 contract format is one sided with no room for the Navajo Nation to "Negotiate."
5. Adult Detention only reference 5 facilities; TC, Chinle, CP, Kayenta, and Twin Arrow? Does Twin Arrow have a plan of operation? What about Shiprock, Fort Defiance, Dilkon and the Satellite districts?
6. As oversight Committee, we never participate in the actual formulation of the contract.
7. NOT even one DATA / STATISTIC is incorporated to justify the actual dollars needed.
8. NO documentation attach indicating The Navajo Nation has "Negotiated" and have seek "Technical Assistant" for funding increase from previous years allocation or utilized Federal Mandate (Laws) to justify for the funding increase.

I did request for NN DOJ and Legislative Counsel to provide LOC a legal advice of the above concerns and potentially make an amendment during NABI presentation. I believe Navajo Nation is not advocating enough justifying for the funding increase. Thank you.

cc: NN DOJ, NN DPS, NN Dept. of Correction, Contract Office, and BIA





September 20, 2018

Kimberly Belone, Program Analyst  
Bureau of Indian Affairs  
Office of Justice Service  
Indian Highway Safety Program  
1001 Indian School Road N.W. Suite 251  
Albuquerque, NM 87114

RE: BIA Indian Highway Safety Program Law Enforcement Grant Application for the Navajo Nation

Dear Ms. Belone:

It has come to our attention that the Navajo Department of Public Safety has recently submitted a grant application to the Bureau of Indian Affairs Indian Highway Safety Program for Fiscal Year 2019. The grant instructions indicate that a tribal resolution is needed at the time of submission.

Pursuant to Navajo Nation Code, 2 N.N.C. § 164 (B)(1), grants providing funds to the Navajo Nation do not require Committee or Council approval through resolution. Furthermore, pursuant to 2 N.N.C. §§ 164 (B)(2) and 222(A), if a non-PL-93-638 grant is awarded to the Nation, only the Navajo Nation President is required to review and sign agreements pertaining to the Executive Branch, this includes the Navajo Department of Public Safety. In essence, the Navajo Nation Council or its committees do not issue permission to apply for grants or issue resolutions accepting grants unless there is a waiver of the Indirect Cost Agreement or a change in the Indirect Cost Amount.

However, if a resolution is absolutely required, the resolution will only concur with the Navajo Nation President's acceptance of the grant award. In addition, legal review of the terms and conditions will be done by the Navajo Department of Justice. Attached is a DRAFT resolution with supporting exhibits that concurs with the President's prospective acceptance. Please note neither this letter nor the draft resolution is a formal acceptance of the grant but a formality to complete the application requirements and to explain the authorities vested in the President and Navajo Nation Council. The draft resolution must also be go through the legislative process to have any legal affect, of which it has not.

I appreciate your attention to this matter. If you have any further questions please contact the Office of Legislative Counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Candace French', with a stylized flourish at the end.

Candace French, Attorney  
The Navajo Nation  
Office of Legislative Counsel

xc: Honorable Otto Tso, Delegate, 23<sup>rd</sup> Navajo Nation Council  
Jesse Delmar, Executive Director, Navajo Division of Public Safety  
Phillip Francisco, Chief of Police, Navajo Police Department  
Dempsey Harvey, Police Captain, Navajo Police Department

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018  
3 INTRODUCED BY  
4

5 \_\_\_\_\_  
6 (Sponsor)  
7

8 TRACKING NO. \_\_\_\_\_  
9

10 AN ACTION  
11 RELATING TO LAW AND ORDER, BUDGET AND FINANCE AND  
12 NAABIK'ÍYÁTI'; CONCURRING WITH THE PRESIDENT'S ACCEPTANCE OF  
13 THE BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY SAFETY PROGRAM  
14 LAW ENFORCEMENT GRANT  
15

16 BE IT ENACTED:

17 **SECTION ONE. AUTHORITY**

- 18 A. The Law and Order Committee is a standing committee of the Navajo Nation Council  
19 and is empowered to grant final approval for agreements negotiated by public safety  
20 programs with other federal agencies subject to Naabik'íyáti' Committee approval  
21 when required by law. *See* 2 N.N.C. §§ 600 (A) and 601 (B)(1)(a).  
22 B. The Budget and Finance Committee is a standing committee of the Navajo Nation  
23 Council and is empowered to authorize, review, approve and accept agreements,  
24 including contracts and grants, between the Navajo Nation and any federal, state or  
25 regional authority upon the recommendation of the standing committee which has  
26 oversight over the division, department or program which has applied for the  
27 agreement, or upon recommendation of the Chapter." *See* 2 N.N.C. §§ 300 (A) and  
28 301 (B)(15).  
29 C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council  
30 and among other statutory powers, the committee has the delegated responsibility to



1 "review and continually monitor the programs and activities of federal and state  
2 departments and to assist development of such programs designed to serve the Navajo  
3 People and the Navajo Nation through intergovernmental relationships between the  
4 Navajo Nation and such departments." *See* 2 N.N.C. §§ 700 (A) and 701 (A)(7).

5 D. Pursuant to 2 N.N.C. § 164 (B)(1), grants providing funds to the Navajo Nation do  
6 not require Committee or Council approval.

7 E. The President or Vice-President of the Navajo Nation or their designee shall execute  
8 contracts or agreements pertaining to the Executive Branch. *See* 2 N.N.C. § 222 (A).

9  
10 **SECTION TWO. FINDINGS**

11 A. The Navajo Division of Public Safety is established within the Executive Branch of  
12 the Navajo Nation Government. *See* 2 N.N.C. § 1351.

13 B. The Navajo Department of Public Safety submitted a grant application to the Bureau  
14 of Indian Affairs for the Indian Highway Safety Program Law Enforcement Grant.  
15 The grant application provides a detailed budget of how the prospective funds will be  
16 utilized by the Division of Public Safety. *See* Grant Application attached hereto as  
17 **Exhibit A.**

18 C. The grant is intended to supplement existing law enforcement traffic safety programs  
19 on Indian reservations with grant funds provided in the form of reimbursement. *See*  
20 Grant Instructions attached as **Exhibit B.**

21  
22 **SECTION THREE. CONCURRENCE WITH THE PRESIDENT'S ACCEPTANCE**  
23 **AND EXECUTION OF THE BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY**  
24 **SAFETY PROGRAM LAW ENFORCEMENT GRANT**

25 The Navajo Nation hereby concurs with the Navajo Nation President or Vice-  
26 President or their designee's acceptance and execution of the Bureau of Indian Affairs  
27 Indian Highway Safety Program Law Enforcement Grant.



BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT



APPLICATION CHECKLIST

Use the checklist below to ensure the application is complete and ready to submit.

- ✓ There are no blank fields left in the application
  - ✓ Terms, Conditions, and Responsibilities initialed (page 11)
  - ✓ Application signed (page 11)
    - Tribal Resolution ☐ Draft Copy ☐ Final Copy
    - ✓ Indirect Cost Rate ☐ Draft Copy ☒ Approved Copy
    - ✓ A-133 (is it current?) ☒ Yes ☐ No
- Linear Trend Analysis for mandatory and optional performance measures are attached

\*Please attach a digital copy in a PDF format of the application, and excel spreadsheet of the Trend Analysis with the signed copy of the application.

All of the above items have been properly completed and are contained in the grant application.

Signed:  Date: 4/5/18

**BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT**

**FISCAL GRANT YEAR APPLYING FOR:** FY2018

**TYPE OF GRANT APPLYING FOR:** Full-Time Grant with Overtime

*All Sections of the grant application should be completed; do not leave any blank fields. Blank fields could result in dis-qualification.*

**SECTION A: GENERAL INFORMATION**

**Tribe Name:** Navajo Nation

**Tribal Leader Name:** Russell Begaye

**Title:** Navajo Nation President

**Mailing Address:** P.O. Box 7440

**City:** Window Rock

**State:** AZ

**Zip:** 86515

**FedEx Address:** 100 Parkway, Office of the President and Vice President

**City:** Window Rock

**State:** \_\_\_\_\_

**Zip:** 86515

**Phone Number:** (928) 871-7000

**Fax Number:** (928) 871-4025

**PERSON COMPLETING THE APPLICATION:**

**Name:** Phillip Joe

**Title:** Police Lieutenant

**Office/Department:** Navajo Police Window Rock, AZ

**Phone Number:** (928) 871-6363

**Fax Number:** (928) 871-7087

**E-Mail Address:** phillipjoe@navajo-nsn.gov

**TRIBAL GRANT COORDINATOR INFORMATION:**

*If grant is awarded, please identify the Project Coordinator. (Person responsible for grant administration)*

**Name:** Michele Tom

**Title:** Senior Contract Analyst

**Office/Department:** Fiscal Management Section, Navajo Police Department

**Mailing Address:** PO Bx 3360

**City:** Window Rock

**State:** AZ

**Zip:** 86515

**Phone Number:** (928) 871-7550

**Fax Number:** (928) 871-7087

**E-Mail Address:** mmtom@navajo-nsn.gov

**GRANT HISTORY:**

How many years has the Tribe received funding from BIA IHSP? 2 years

Has the Tribe applied for and received other traffic safety related grants from other agencies in the last three years?

☒ Yes ☐ No

If yes, please list the agencies: NNDOT - Child Safety Seat Program

Does the tribe have another traffic safety (focused) grant currently in place? (i.e. CDC, Indian Health, State, College, etc.):

☐ Yes ☒ No

If yes, please list the agencies: \_\_\_\_\_

**RESERVATION INFORMATION:**

**Reservation Size:** \_\_\_\_\_

**Acres:** 17,544,500

**Square Miles:** 27,413

**Population:** 300,048

**Total Number of Road Miles:** 14,221

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INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT**

**TRIBAL POLICE DEPARTMENT INFORMATION:**

Chief of Police Name: Phillip Francisco Phone Number: (928) 871-6363  
 E-mail Address: pbfrancisco@navajo-nsn.gov Fax Number: (928) 871-7087  
 Total number of Police Officers: 205 Total number of Officers who work traffic: 4  
 Does Tribal Law Enforcement have the authority to conduct checkpoints? ☒ Yes ☐ No  
 Is Law Enforcement: ☒ Tribal ☐ BIA ☐ Both  
 Are cross commission agreements in place with any other law enforcement agencies? ☒ Yes ☐ No  
 If yes: identify the agencies: New Mexico SP, Arizona DPS, Apache County, Socorro County, San Juan County (UT) &

**SECTION B. Data:**

In order to apply for a grant, utilizing highway safety funds, please provide a data breakdown utilizing the most recent fiscal year data available for the reservation.

**TRAFFIC DATA INFORMATION:**

Does the Police Department have a software system used to collect traffic enforcement & crash statistics? ☒ Yes ☐ No  
 If yes, identify the software: CODY system  
 Does the tribe report crash reports or other data to the state? ☒ Yes ☐ No  
 What is the last fiscal year of traffic data available? 2016 Is the Data: ☐ Calendar Year ☒ Fiscal Year

**TRIBAL STATUTES AND ENFORCEMENT STATISTICS:**

Does the tribe have a traffic code? ☒ Yes ☐ No  
 Does the Tribe have a Blood Alcohol Content (BAC) Law? ☒ Yes ☐ No If yes, what is the BAC Law? 0.08  
 Does the Tribe have a Seat Belt Law? ☒ Yes ☐ No If yes, is it: ☒ Primary ☐ Secondary  
 Does the Tribe issue written warnings for traffic violations? ☒ Yes ☐ No  
 If yes, number of written warnings in the previous year: 3,101  
 Does the Tribe prosecute DUI's? ☒ Yes ☐ No  
 If yes, what is the conviction rate for the DUI's in the Tribal Court? 843

**TRAFFIC STATISTICS:** ONLY Fiscal Year (October 1, 20 15 - September 30, 20 16) data will be accepted

<u>Total Number of:</u>			
1,569	DUI/DWI/OWI arrests? (1.1-2)		
4,748	Traffic citations issued in the data year reported?	80	How many were Child safety seat citations?
		93	How many were seat belt citations? (1.1-1)
		1,558	How many were speed citations? (1.1-3)



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INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT

ONLY Fiscal Year (October 1, 20 15 - September 30, 20 16) data will be accepted

MOTOR VEHICLE FATALITIES AND CRASHES			
<u>Total Number of:</u>			
77	traffic fatalities (C-1)	67	How many were males?
		28	How many were females?
459	serious injuries in traffic crashes (C-2)	0	How many were males?
		0	How many were females?
28	unrestrained passenger vehicle occupant fatalities, all seat positions (C-4)		
0	fatalities in crashes involving a driver or motorcycle operator with a BAC of .08 g/dl or higher (C-5)		
19	speed related fatalities (C-6)	1	motorcyclist fatalities (C-7)
1	un-helmeted motorcyclist fatalities (C-8)	3	drivers 20 or younger involved in fatal crashes (C-9)
11	pedestrian fatalities (C-10)	0	bicyclist fatalities (C-11)
11	crashes involving pedestrians	0	crashes involving bicyclists
43	single vehicle crashes	18	crashes involving two or more vehicles
	property damage crashes	19	crashes involving speed
39	crashes involving alcohol	1	crashes involving motorcyclists
<u>Of the total number of crashes (listed above), how many occurred on:</u>			
200	Rural Roads	137	Paved Streets
190	State Highways	2	Interstates
7	Other Types of Roads, describe: Dirt Roads		
<u>Of the total number of crashes (listed above), how many occurred on:</u>			
73	Mondays	77	Tuesdays
70	Wednesdays	90	Thursdays
95	Fridays	71	Saturdays
60	Sundays	0	Unknown
<u>Of the number of crashes (listed above), how many occurred between:</u>			
61	Midnight to 6:00 AM	109	6:01 AM to Noon
177	12:01 PM to 6:00 PM	189	6:01 PM to 11:59 PM

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INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT

**PROBLEM STATEMENT:** Provide a written summary which clearly outlines the specific traffic related problems the tribe has identified, and will address if grant funds are provided.

With continued lower gasoline prices and an improving economy across the United States resulted in an estimated 3.5% increase in motor-vehicle mileage, the number of motor-vehicle fatality crashes on the Navajo Nation in 2013 totaled 69, up to 77 an increase by 12% by 2016. The total for 2014 was up by 31% from the 2013 figure. The annual total for 2014 was 91. This is the highest reported number within the four years of data. The estimated annual population death rate is 25.83 deaths per 100,000 population. The High MVCF and Motor vehicle crashes (MVC) rate could be attributed to speeding(808), driving while intoxicated(422), and unrestrained passengers(304). Navajo Nation experienced a high/low number of serious motor vehicle crashes over the years with 793 in 2012, 711 in 2013, 677 in 2014, 723 in 2015 and 459 in 2016. In 2016 Navajo Nation Police Department issued 3,101 traffic warning citation and 4,748 traffic citation.

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INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT

**SECTION C. TARGETS/ STRATEGIES:**

The Indian Highway Safety Grants are performance-based programs. In order to apply for a grant, please provide information on the targets the tribe is trying to reach. Select those appropriate to the traffic safety problem the tribe is trying to address. #1 & #2 are required

Please use the trend analysis tool to assist in determining the FY20 18 targets:

1. To *reduce* the number of MVC fatalities by 25 % from the FY20 16 number of 75  
to 56 by the end of FY20 18. (Required)
2. To *reduce* motor vehicle crashes (MVCs) by 25 % from the FY20 15 number of 723  
to 542 by the end of FY20 18. (Required)

Select a target the Tribe would like to focus on increasing or reducing: (use drop down menus)

3. To *increase* the number of *DUI/DWI arrests*  
by 15 % from the FY20 16 number of 1,569 to 1,805 by the end of FY20 2018. (Optional)
4. To *increase* the number of *speed citations issued*  
by 15 % from the FY20 16 number of 1,558 to 1,791 by the end of FY20 2018. (Optional)
5. To *decrease* the number of *unrestrained passenger vehicle occupant fatalities (all seat positions)*  
by 10 % from the FY20 16 number of 28 to 25 by the end of FY20 2018. (Optional)

In order to reach the targets identified above, select from the following list of strategies to be conducted during the project year.

- Conduct not less than 18 checkpoints in FY20 18.
- Conduct not less than 190 saturation patrols in FY20 18.
- Provide not less than 24 hours of traffic enforcement during each mobilization period.  
(Dates will be provided by BIA IHSP)

**SURVEY (B-1):** Has the tribe or is the tribe willing to conduct an observed seat belt use for passenger vehicles.  
front seat outboard occupants: ☒ Yes ☐ No

**STRATEGIES:** Place an "X" in the box of the strategies your program will utilize to achieve the targets:

- ☒ Increase enforcement (traffic and DUI)
- ☒ Provide appropriate training (traffic safety related).
- ☒ Print and distribute public service announcements and/or press releases.
- ☒ Provide traffic safety related presentations to school children and community members.
- ☒ Distribute traffic safety related educational materials.



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LAW ENFORCEMENT (LE) GRANT**

Specify other plans besides the strategies listed on the previous page:

(Example, Patrolling differently by conducting high visible traffic enforcement in identified problem areas, etc.)

Within the Navajo Nation, the Police Department will partner up with other programs to jointly establish a safety strategy plan to focus on a common safety vision for the Navajo Nation. The vision is to eliminate fatalities and serious injuries across the Navajo Nation's roadways by establishing a team of training personnel to conduct enforcement and preventative operation. This is data driven, interdisciplinary approach that NNPD has been promoting for many years. The approach targets areas for improvement and employs proven countermeasures, integrating application of education, enforcement, engineering (Navajo Nation DOT), and emergency medical (EMS and Fire dept) and trauma service (IHS Injury Prevention Program & Epidemiology). A combination of strategies from different focus areas will be necessary to achieve the Navajo Nation traffic safety vision

*ATTACH AN ADDITIONAL PAGE IF NECESSARY*

**SECTION D. TRAINING/TRAVEL:**

This section must be completed for any training that is requested or needed in order to properly execute the grant being requested. Please determine the travel budget to attend selected training.

<b><u>Full-time LE Grant</u></b>	<b><u>Over-time Grant</u></b>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BIA Program Management Training (Mandatory)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BIA Grant Writing Training (Mandatory)
<input type="checkbox"/>	<input type="checkbox"/>	Lifesavers Conference
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Intoxilyzer Certification
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Crash Re-constructionist Training
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Advanced Crash Re-constructionist Training
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Drug Recognition Expert (DRE)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Training Radar/Lidar Certification
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Conducting Checkpoints Training
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Standardized Field Sobriety Testing (SFST)/ Refresher
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CPS Technician Training

Grand Total: Training: \$ 10,000.00      Travel: \$ 15,000.00

Approval of the grant with training needs identified must still have a specific request and approval by the IHSP before any training costs is incurred.

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**SECTION E. EQUIPMENT:**

Equipment, if requested, must be essential to the success of the grant program and not for general purposes/use. Identify equipment, quantity, and cost. All equipment requested must be used to carry out/accomplish the targets/ strategies.  
*PLEASE NOTE: The federal guidelines require equipment to be necessary for the project. All equipment requested must be approved by the BIA IHSP prior to purchase and must be used specifically for grant activities. (Use dropdown menu)*

**Equipment:** Radar/Lidar

Item Cost: \$ 2,500.00  
QTY 4  
Total: \$ 10,000.00

**Justification:**

A RADAR "tracking History is essential for proper conviction of RADAR Case in Court. RADAR plays a vital roll in the officers observation to establish an accurate reading of the violators behavior.

**Equipment:** Radar/Lidar

Item Cost: \$ 3,000.00  
QTY 4  
Total: \$ 12,000.00

**Justification:**

LIDAR Device is accurate and vehicle selective considering the environment on the Navajo Nation. It provide the operator the simplicity to operate and freedom of movement & ability measure vehicles at great distance.

**Equipment:** In-Car Video Camera

Item Cost: \$ 4,000.00  
QTY 4  
Total: \$ 16,000.00

**Justification:**

Accurate depiction of an incident can only be provided by video evidence/witness

**Equipment:** street RADAR speed sign

Item Cost: \$ 8,000.00  
QTY 1  
Total: \$ 8,000.00

**Justification:**

Digital speed sign gather information, traffic volume every hour of day and informs motorist of their speed. Target citizen complaint in residential & congested areas. Portable sign to be placed in critical areas

**Equipment:** Police Vehicle

Item Cost: \$ 45,000.00  
QTY 4  
Total: \$ 180,000.00

**Justification:**

Fully marked and equipped police unit to conduct 100% traffic enforcement operation on the Navajo Nation.

Grand Total Equipment:

\$ 226,000.00

**SOFTWARE:**

If the tribe is requesting to purchase specialty software, identify the software along with its purpose and anticipated use.

**Software Name:** IDWedgeKB (State Drivers license reader)

QTY: 4 Cost Per Item: \$ 800.00 = \$ 3,200.00

**Justification:**

Speed up and limit violator contact by extracting data from ID's and fill electronic forms (citation) software and equipment to equip the traffic enforcement officers.

Grand Total Cost of Software:

\$ 3,200.00



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LAW ENFORCEMENT (LE) GRANT**

**SECTION F. BUDGET:** Complete ONLY those sections pertinent to the grant requested.

Federal guidelines require costs to be reasonable and necessary in order to carry out and/or operate the grant. Budgets must support the grant proposed; be as reasonable as possible. *Budgets should be completed by the Budget/Finance Officer for the Tribe.*

Finance Officer Name: Delores Hunt, Sr. Accountant

Phone Number: (928) 871-7538

E-mail Address: dhunt@navajo-nsn.gov

Grant Type: Full-Time Highway Safety

\*\* use drop down menus to select grant and personnel type(s)

**Personnel: Highway Safety Officer**

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2080
Number of Overtime Hours:	140
<b>Total Salary:</b>	<b>\$ 46,508.80</b>
<b>Total Overtime Salary:</b>	<b>\$ 4,695.60</b>
Fringe Benefit %:	39.50%
<b>Total Fringe Benefit:</b>	<b>\$ 20,225.74</b>

**Personnel: Highway Safety Officer**

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2,080
Number of Overtime Hours:	140
<b>Total Salary:</b>	<b>\$ 2,102.36</b>
<b>Total Overtime Salary:</b>	<b>\$ 4,695.60</b>
Fringe Benefit %:	39.50%
<b>Total Fringe Benefit:</b>	<b>\$ 2,685.19</b>

**Personnel: Over-time Officer**

Percent of Time:	50%
Hourly Rate:	\$ 28.03
Overtime Rate:	\$ 42.05
Number of Hours:	1,000
Number of Overtime Hours:	1,000
<b>Total Salary:</b>	<b>\$ 28,030.00</b>
<b>Total Overtime Salary:</b>	<b>\$ 42,050.00</b>
Fringe Benefit %:	39.50%
<b>Total Fringe Benefit:</b>	<b>\$ 27,681.60</b>

**Personnel: Highway Safety Officer**

Percent of Time:	100%
Hourly Rate:	\$ 28.03
Overtime Rate:	\$ 42.05
Number of Hours:	2080
Number of Overtime Hours:	140
<b>Total Salary:</b>	<b>\$ 58,302.40</b>
<b>Total Overtime Salary:</b>	<b>\$ 5,887.00</b>
Fringe Benefit %:	39.50%
<b>Total Fringe Benefit:</b>	<b>\$ 25,354.81</b>

**Personnel: Highway Safety Officer**

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2,080
Number of Overtime Hours:	140
<b>Total Salary:</b>	<b>\$ 46,508.80</b>
<b>Total Overtime Salary:</b>	<b>\$ 4,695.60</b>
Fringe Benefit %:	39.50%
<b>Total Fringe Benefit:</b>	<b>\$ 20,225.74</b>

**Personnel: Data Clerk**

Percent of Time:	100%
Hourly Rate:	\$ 13.84
Overtime Rate:	\$ 20.76
Number of Hours:	2,080
Number of Overtime Hours:	150
<b>Total Salary:</b>	<b>\$ 28,787.20</b>
<b>Total Overtime Salary:</b>	<b>\$ 3,114.00</b>
Fringe Benefit %:	41.10%
<b>Total Fringe Benefit:</b>	<b>\$ 13,111.39</b>

**Grand Total: Salary:** \$ 210,239.56 **Overtime Salary:** \$ 65,137.80 **Fringe Benefits:** \$ 109,284.48



**BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT**

**GSA VEHICLE LEASE:** Rental/lease costs through GSA are allowable, if needed, for officers designated as full-time (grant) to traffic enforcement/safety. Vehicle types will be determine at the GSA rate allowed. **PLEASE NOTE:** Costs associated with, vehicle maintenance, lightings, sirens and communication equipment will not be covered. These must be in-kind contributions by the tribe or other agencies.

*For Full-time Grants Only*

Vehicle Type: Chevy Tahoe

**Monthly Costs**

Lease Amount: \$ \_\_\_\_\_  
Lease Fee: \$ 0.00  
Estimated Mileage: 2,500  
Rate Per Mile: \$ 0.32  
Monthly Total: \$ 800.00  
Months: 12  
Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Truck

**Monthly Costs**

Lease Amount: \$ 0.00  
Lease Fee: \$ 0.00  
Estimated Mileage: 2,500  
Rate Per Mile: \$ 0.29  
Monthly Total: \$ 725  
Months: 12  
Yearly Total: \$ 8,700.00

Vehicle Type: \_\_\_\_\_

**Monthly Costs**

Lease Amount: \$ \_\_\_\_\_  
Lease Fee: \$ \_\_\_\_\_  
Estimated Mileage: \_\_\_\_\_  
Rate Per Mile: \$ \_\_\_\_\_  
Monthly Total: \$ 0.00  
Months: \_\_\_\_\_  
Yearly Total: \$ 0.00

Vehicle Type: Chevy Tahoe

**Monthly Costs**

Lease Amount: \$ 0.00  
Lease Fee: \$ 0.00  
Estimated Mileage: 2,500  
Rate Per Mile: \$ 0.32  
Monthly Total: \$ 800.00  
Months: 12  
Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Truck

**Monthly Costs**

Lease Amount: \$ 0.00  
Lease Fee: \$ 0.00  
Estimated Mileage: 2,500  
Rate Per Mile: \$ 0.29  
Monthly Total: \$ 725.00  
Months: 12  
Yearly Total: \$ 8,700.00

Vehicle Type: \_\_\_\_\_

**Monthly Costs**

Lease Amount: \$ \_\_\_\_\_  
Lease Fee: \$ \_\_\_\_\_  
Estimated Mileage: \_\_\_\_\_  
Rate Per Mile: \$ \_\_\_\_\_  
Monthly Total: \$ 0.00  
Months: \_\_\_\_\_  
Yearly Total: \$ 0.00

Grand Total GSA Lease/Mileage: \$ 36,600.00

**BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT**

**OVER-TIME MILEAGE:** Estimate of total monthly overtime (OT) mileage for patrol officers utilizing patrol vehicles only. Vehicle mileage reimbursements will be determined on the type of vehicle(s) utilizing the latest GSA rates.

For Full-time and Over-time Grants

Vehicle Type: Chevy Tahoe

**Monthly Costs**

Estimated Mileage: 2,500

Rate Per Mile: \$ 0.32

Monthly Total: \$ 800.00

Months: 12

Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Tahoe

**Monthly Costs**

Estimated Mileage: 2,500

Rate Per Mile: \$ 0.32

Monthly Total: \$ 800.00

Months: 12

Yearly Total: \$ 9,600.00

Vehicle Type: \_\_\_\_\_

**Monthly Costs**

Estimated Mileage: \_\_\_\_\_

Rate Per Mile: \$ \_\_\_\_\_

Monthly Total: \$ 0.00

Months: \_\_\_\_\_

Yearly Total: \$ 0.00

Vehicle Type: Chevy Trucks

**Monthly Costs**

Estimated Mileage: 2,500

Rate Per Mile: \$ 0.29

Monthly Total: \$ 725.00

Months: 12

Yearly Total: \$ 8,700.00

Vehicle Type: Chevy Trucks

**Monthly Costs**

Estimated Mileage: 2,500

Rate Per Mile: \$ 0.29

Monthly Total: \$ 725.00

Months: 12

Yearly Total: \$ 8,700.00

Vehicle Type: \_\_\_\_\_

**Monthly Costs**

Estimated Mileage: \_\_\_\_\_

Rate Per Mile: \$ \_\_\_\_\_

Monthly Total: \$ 0.00

Months: \_\_\_\_\_

Yearly Total: \$ 0.00

**Grand Total for Over-Time Mileage: \$ 36,600.00**

**OFFICE SUPPLIES:** List all supplies needed in order to successfully carry out the grant:

Office Supply: NN, AZ, NM citation book

Item Cost: \$ 22.25

QTY: 200

Total: \$ 4,450.00

Office Supply: Computer

Item Cost: \$ 1,600.00

QTY: 1

Total: \$ 1,600.00

Office Supply: Computer Printert

Item Cost: \$ 150.00

QTY: 1

Total: \$ 150.00

Office Supply: Document Scanner

Item Cost: \$ 150.00

QTY: 1

Total: \$ 150.00

**Grand Total for Supplies: \$ 6,350.00**

BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT

**MEDIA COSTS:** These costs are allowable as long as they are directly related to the project and/or support the national mobilizations and Indian Holiday mobilization.

Media Type: News Paper	Total: \$	<u>580.00</u>
Media Type: Radio	Total: \$	<u>530.00</u>
Media Type: Bill Board Rental	Total: \$	<u>3,600.00</u>

**INDIRECT COST RATE (IDC):** Attach a copy of the tribe's most recent Indirect Cost Rate letter and necessary paper work to support reimbursement for the line items below

Indirect Cost Rate: 15.65 %      Year IDC was for approved: 2018

Check the boxes the indirect cost rate percentage applies to:

- ☒ Salary
- ☒ Overtime Salary
- ☒ Fringe Benefits
- ☒ Training & Travel Expenses
- ☒ GSA Lease
- ☒ Overtime Mileage
- ☒ Office Supplies

**BUDGET LINE ITEM GRAND TOTALS:**

Training/ Travel:	<u>\$ 25,000.00</u>
Equipment:	<u>\$ 226,000.00</u>
Software:	<u>\$ 3,200.00</u>
Salary:	<u>\$ 210,239.56</u>
Overtime Salary:	<u>\$ 65,137.80</u>
Fringe Benefits:	<u>\$ 109,284.48</u>
GSA Lease/Mileage:	<u>\$ 36,600.00</u>
Overtime Mileage:	<u>\$ 36,600.00</u>
Supplies:	<u>\$ 6,350.00</u>
Media Costs:	<u>\$ 4,710.00</u>
Indirect Cost:	<u>                    </u>
TOTAL BUDGET:	<u>\$ 497,121.84</u>



BUREAU OF INDIAN AFFAIRS  
INDIAN HIGHWAY SAFETY PROGRAM  
LAW ENFORCEMENT (LE) GRANT

**SECTION G. ADDITIONAL INFORMATION:**

Add any additional information which is not covered in the application's previous pages. Provide a description of how the tribe will use funds to counter measure the traffic problems identified. (These can include working on updating or making stronger traffic laws, identifying and increasing traffic enforcement in certain areas, increasing traffic fines, monitoring the DWI offender, prevention or intervention, etc.)

Section D: Training shall include Federal and State Commercial vehicles inspection & Enforcement Certification, LIDAR & RADAR Instructor certification, Legal and Policy Updates training, Advance Officers Safety Training, Motor Carrier and Vehicle Crash investigation and Reconstruction Certification (Re-cert), DUI prevention & apprehension, DRT training and Certification (Re-cert).

Section E: Equipment to be utilized in conjunction with enforcement operation and support increase conviction rate of violations. Assist to deter major vehicle crashes with visibility and presentations.

Office supply-citation books provided for the traffic enforcement officers only. One Traffic Enforcement officers finish two and a half traffic citation books every month and request is calculated for four officers.

ATTACH AN ADDITIONAL PAGE IF NECESSARY

**SECTION H. TERMS, CONDITIONS AND RESPONSIBILITIES:**

Please read and initial to acknowledge each of the items listed. Applications received without initials to acknowledge this section will be considered incomplete and will not be considered for funding.

- ☒ Requests for reimbursements and Monthly Report must be submitted to the by the 15<sup>th</sup> of the following month.
- ☒ Tribe understands the BIA Indian Highway Safety Program is a REIMBURSABLE grant program.
- ☒ The tribe must expend their funds and seek reimbursement based upon an approved budget and application.
- ☒ A copy of the tribe's most recent Indirect Cost Letter must be sent to the BIA IHSP in order to claim ID Costs.
- ☒ Tribe must participate in the national enforcement mobilizations and the "Indian State" mobilization.
- ☒ A distribution plan must be submitted and approved before items can be ordered.
- ☒ All travel must be approved in advance by the BIA IHSP.
- ☒ Law enforcement radars & breath testing equipment purchased must be on the NHTSA Conforming Products list.
- ☒ A current draft/approved Tribal Resolution must be attached. If not attached, the application is incomplete.
- ☒ In order to comply with the provisions of FAST ACT, and the required State Certifications and Assurances, the BIA IHSP may allocate funds on behalf of the tribe to meet certain conditions and comply with all applicable rules and regulations for administering a traffic national safety program
- ☒ Tribes participating in the federal grant processes must comply with the Single Audit Act of 1984.
- ☒ If requesting full-time personnel, the following types of non-traffic related activities WILL NOT be reimbursed: Dispatch for domestic violence calls, gun calls, funeral escort, security escort, house parties, civil issue process service, welfare checks, noise complaints, fights, suicides, drug interdiction, and other non-traffic safety related calls.

I, Phillip Francis, do hereby state and affirm: I have authority to submit this application on behalf of the tribal government named herein. I further understand and affirm: I have obtained all necessary approvals, and have discussed this application with the necessary and appropriate people. I understand by submitting this application.

Signature: \_\_\_\_\_

Date: 4/5/18

Name (Print): Phillip Francis

Title: NSD chief of police




# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

March 14, 2018

## MEMORANDUM

TO : Program Managers and Division Directors  
The Navajo Nation

FROM :   
Dominic Beyer, Executive Director  
Office of Management and Budget

SUBJECT : Indirect Cost Negotiation Agreement (Agreement) on FY 2018 IDC Rate of 15.65%

Attached is the subject Agreement for implementation effective immediately. The Agreement was executed by President Begaye and the Interior Business Center/Department of Interior based on resolution NABIMA-23-18 adopted by the NAABIK'YATI COMMITTEE to accept the IDC rate and to authorize executing the Agreement. The Agreement is available on the OMB website at [www.omb.navajo-nsn.gov](http://www.omb.navajo-nsn.gov).

Pursuant to the FY 2018 NN Budget Instructions Manual (BIM), Appendix L Sec. IV(A)(4), the latest approved IDC shall be used to budget for recovery of IDC in the grant application/award. As such, apply the said IDC rate on grants that have an effective date of October 1, 2017 and moving forward. Also ensure the budget for IDC is supported by Check Sheet on Calculating Budget for IDC Recovery as stated at Sec. VI(B) of the BIM.

If the FY 2017 IDC rate of 15.6% was applied to grants effective after October 1, 2017, the Programs Manager shall write the funding agency by March 31, 2018 to request authorization to use the FY 2018 IDC rate. Please send a copy of such letter to the Contracts and Grants Section/OMB.

For grants that ended September 30, 2017 or before, and were extended, the IDC rate currently in use shall continue to apply to expenditure of carryover funds until the grant ends. For example, if the FY 2016 grant ended on September 30, 2016, and was extended to September 30, 2017, use of the FY 2016 IDC rate of 14.89% shall continue on that FY 2016 grant.

Please comply with the FY 2018 NN BIM regarding use of the IDC rate. Contact CGS/OMB at 871-6033 if you have questions.

## ATTACHMENT / Distribution

Cc: file  
President Begaye / Vice President Nez, OPVP  
Lorenzo Bates, Speaker - Navajo Nation Council  
JoAnn Jayne, Chief Justice - Judicial Branch  
Ethel B. Branch, Attorney General - Office of the Attorney General  
Pearline Kirk, Controller - Office of the Controller



RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
23RD NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES;  
APPROVING, ACCEPTING, AND IMPLEMENTING THE INDIRECT COST (IDC)  
NEGOTIATION AGREEMENT WITH THE U.S. DEPARTMENT OF INTERIOR,  
INTERIOR BUSINESS CENTER FOR FISCAL YEAR 2018

BE IT ENACTED:

Section One. Authority

- A. Intergovernmental agreements are agreements between the Navajo Nation and another government that involve the sharing of governmental powers, and include Indian Self-Determination and Education Assistance Act (P.L. 638) contracts. 2 N.N.C § 110(J).
- B. The Budget and Finance Committee is empowered to authorize, review, approve and accept agreements between the Navajo Nation and any federal authority upon the recommendation of the standing committee which has oversight over the division, department, or program making the request. 2 N.N.C. § 301(B)(15).
- C. The Office of Management and Budget (OMB) has made the request and the Budget and Finance Committee has oversight of OMB. 2 N.N.C. § 301(B)(13).
- D. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and empowered the committee to "review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative code rate agreements with the cognizant federal agency." 2 N.N.C. §§ 700(A) and 701(A)(10).

Section Two. Findings

- A. The Interior Business Center (IBC) submitted the Indian Organizations Indirect Cost (IDC) Negotiation Agreement to the Navajo Nation with a letter dated December 5, 2017. These documents are included in **Exhibit A**.
- B. The proposed rate in the IDC Negotiation Agreement is 15.65% for the time period from 10/1/2017 to 09/30/2018.



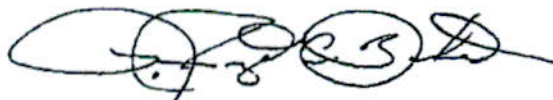
- C. OMB submitted a memorandum to the 164 reviewers describing the process to accept the IDC rate. Accordingly, OMB, the Office of the Controller, and the Department of Justice have indicated the documents are sufficient. See **Exhibit B**.
- D. Entering into the Indian Organization Indirect Cost Negotiation Agreement is in the Navajo Nation's best interest.

**Section Three. Approval of IDC Negotiation Agreement**

- A. The Navajo Nation approves, accepts, and implements the Indian Organizations IDC Negotiation Agreement with the U.S. Department of the Interior, Interior Business Center included in **Exhibit A**.
- B. The Navajo Nation authorizes the Navajo Nation President, or his designee, to execute the Indian Organizations IDC Negotiation Agreement.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in Favor and 00 Opposed, on this 8<sup>th</sup> day of March, 2018.



LoRenzo C. Bates, Chairperson  
Naabik'iyáti' Committee

Motion: Honorable Nelson BeGaye  
Second: Honorable Davis Filfred

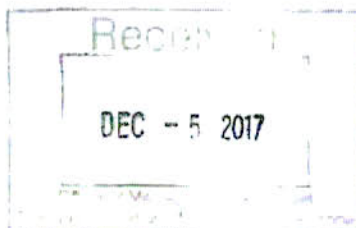
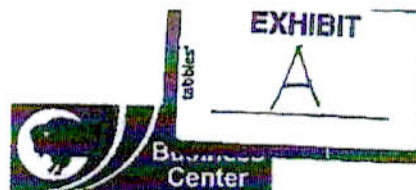
Chairperson Bates not voting



United States Department of the Interior

INTERIOR BUSINESS CENTER

Indirect Cost Services  
650 Capitol Mall, Suite 7-400  
Sacramento, CA 95814-4706



December 5, 2017

Mr. Russell Begaye, President  
Navajo Nation  
P.O. Box 646  
Window Rock, AZ 86515-0646

Dear Mr. Begaye:

Enclosed is the Indirect Cost Negotiation Agreement offered by the Interior Business Center (IBC). If you agree with the contents, **please sign and return** the agreement to IBC to complete the acceptance process. IBC will then countersign and return a signed agreement to you.

As a recipient of federal funds, the regulations require annual indirect cost rates. **Indirect cost rate proposals are due within six (6) months after the close of your fiscal year end** and are processed on a first-in, first-out basis.

Please visit our website for information and updates on filing indirect cost proposals. If you have any questions concerning the negotiation agreement or require additional information, please contact our office for assistance.

Sincerely,

Craig A. Wills  
Office Chief

Enclosures: Supplements and Negotiation Agreement



**Indian Organizations  
Indirect Cost Negotiation Agreement**

EIN: 86-0092335

**Organization:**

Navajo Nation  
P.O. Box 646  
Window Rock, AZ 86515-0646

**Date:** March 14, 2018

**Report No(s):** 18-A-0484

**Filing Ref.:**  
Last Negotiation Agreement  
dated September 22, 2017

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which Public Law 93-638 and 2 CFR Part 200 apply for fiscal years beginning on or after December 26, 2014 subject to the limitations contained in 25 CFR 900 and Section II.A. of this agreement. Applicable OMB Circulars and the regulations at 2 CFR 225 will continue to apply to federal funds awarded prior to December 26, 2014. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

**Section I: Rate**

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/17	09/30/18	15.65%	All	All Programs

\*Base: Modified total direct costs: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as payments to participants, stipends to eligible recipients, or subawards, all of which normally require minimal administrative effort.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

**Section II: General**

Page 1 of 3

A. Limitations: Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).

B. Audit: All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.



C. **Changes:** The rate(s) contained in this agreement are based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in organizational structure, or changes in the method of accounting for costs that affect the amount of reimbursement resulting from use of the rate(s) in this agreement, require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.

D. **Rate Type:**

1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment. (Because of legal constraints, predetermined rates are not permitted for Federal contracts; they may, however, be used for grants or cooperative agreements.)

E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.

F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.

G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.

H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

I. Use of Other Rates: If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

J. Other:

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.

2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.

3. Each Indian tribal government desiring reimbursement of indirect costs must submit its indirect cost proposal to our office within six (6) months after the close of the Tribe's fiscal year, unless an exception is approved.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the Indian Organization:

Navajo Nation

Tribal Government Agency

Signature

Russell Begaye  
Name (Type or Print)

President, The Navajo Nation  
Title

March 8, 2018  
Date

By the Cognizant Federal Government  
Agency:

U.S. Department of the Interior  
Interior Business Center

CRAIG WILLS Digitally signed by CRAIG WILLS  
Date: 2018.03.14 10:52:12 -0700

Signature

Craig A. Wills  
Name

Office Chief  
Office of Indirect Cost Services  
Title

Negotiated by Marilyn F. Elgar  
Telephone (916) 930-3811





## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS



#### **Instructions for Completion of BIA Indian Highway Safety Program Law Enforcement Grant Applications**

The Highway Safety Act of 1966, U.S.C. Title 23, Section 402, provides U.S. Department of Transportation funding to assist Indian tribes in implementing traffic safety projects. These projects are designed to reduce the high number of traffic crashes and their resulting fatalities, injuries and property damage within Indian Country.

Tribes can apply for the full-time and over- time Law Enforcement grant with this application: use the drop down menu to select the grant the tribe is applying for. Complete the application in its entirety: do not leave any blank spaces/fields.

The BIA Indian Highway Safety Program is performance-based and data driven. A traffic safety problem **must** be identified; all applications must contain measurable targets and performance measures, and be justified by data. **Insufficient data to justify a traffic safety problem will significantly reduce the possibility of funding for the Tribe.**

These 402 funds are intended to **supplement** an existing traffic safety program on the reservation.

Indian Highway Safety Program grants are funded in the form of reimbursements. Tribes must first expend their funds and submit documentation for reimbursement consideration each month. Monthly report and financial reports (requests for reimbursement) are required.

A Tribal Resolution and the Tribe's most current approved Indirect Cost Rate Agreement Letter **must** be submitted with the application.

Please contact the Indian Highway Safety Program at (505)563-3780 to inquire about BIA IHSP Grant Writing Training.

Grant applications are due by:

May 1, 2017 for the FY2018 Grant Year

May 1, 2018 for the FY2019 Grant Year

May 1, 2019 for the FY2020 Grant Year

Grant applications and attachments can be mailed to:

Bureau of Indian Affairs

Office of Justice Service

Indian Highway Safety Program

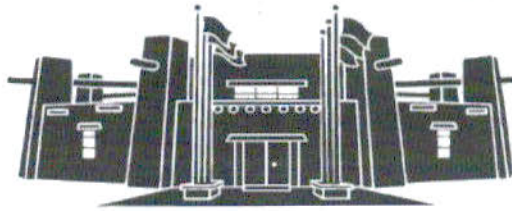
1001 Indian School Road N.W. Ste. 251

Albuquerque, NM 87114

Application and attachments can also be submitted via e-mail at:

[ojs\\_indian\\_highway\\_Safety@bia.gov](mailto:ojs_indian_highway_Safety@bia.gov)





## MEMORANDUM

To : Hon. Kee Allen Begay, Jr., Council Delegate  
Navajo Nation Council

A handwritten signature in black ink, appearing to read "Ron Haven", written over a horizontal line.

From :  
Ron Haven, Attorney  
Office of Legislative Counsel

Date : May 23, 2019

Re : **AN ACTION RELATING TO NAABIKI'YATI'; ESTABLISHING A  
NEGOTIATING TEAM FOR P.L. 638 CONTRACTS**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Also, you have a similar bill request under OLC Request Form # 19-239-1. I recommend that you consult with the Office of the President/Vice President, the Attorney General and OMB regarding that proposal and assess/consider any significant concerns (particular on Title 2 and the separation of powers). Ahéhee'.

**OLC # 19-63-1**

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0134-19

SPONSOR: Kee Allen Begay Jr.

TITLE: An Action Relating To NAABIK'IYATI'; Establishing A Negotiating Team For P.L. 638 Contracts

*Date posted:* May 28, 2019 at 5:33 PM

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